

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>SECOND AMENDMENT ARMS, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 10-CV-4257</b>
	)	<b>Judge Robert M. Dow, Jr.</b>
<b>CITY OF CHICAGO, et al.,</b>	)	<b>Magistrate Judge Sheila M. Finnegan</b>
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' MOTION TO STRIKE PLAINTIFFS'  
RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

Defendants City of Chicago (the "City"), Mayor Rahm Emanuel, Superintendent of Police Garry McCarthy, and Susanna Mendoza (collectively, "Defendants"), by their counsel, Stephen R. Patton, Corporation Counsel of the City of Chicago, hereby move this Court pursuant to Local Rule 5.2(e) to strike Plaintiffs' Response (the "Response") to Defendants' Motion to Dismiss Counts I, III, and VIII-XVIII of Plaintiffs' Second Amended Complaint (the "Motion") and to reset the briefing schedule on Defendants' Motion. In support of this motion, Defendants state as follows:

1. On November 4, 2011, Defendants filed their Motion and also sought leave to file a memorandum in support of their Motion in excess of the Court's fifteen (15) page limit. Plaintiffs did not oppose Defendants' motion to file an enlarged memorandum.

2. On November 8, 2011, the Court granted Defendants' motion for leave to file an enlarged memorandum and granted Plaintiffs leave to file a response of 24 pages to Defendants' Motion. Plaintiffs' Response was originally due on December 14, 2011, but with Defendants' agreement, that time was extended by the Court to December 28, 2011.

3. On December 28, 2011, Plaintiffs' filed their Response to Defendants' Motion.

Although it is 20 pages in length, it is not double-spaced as required by Local Rule 5.2(c), which states that “[w]here the document is typed, line spacing will be at least 2.0 lines.” Local Rule 5.2(c). Plaintiffs’ Response has approximately 34 lines of text per page, whereas a document which is double-spaced has only 22 lines of text per page. Plaintiffs’ Response, if double-spaced, would therefore be approximately 31 pages in length. This is approximately 7 more pages than the Court allowed Plaintiffs in its November 8, 2011 Order.

4. Plaintiffs filed their Response without first seeking the permission of the Court.

5. Defendants’ counsel telephoned Plaintiffs’ counsel to discuss the matter and left a voicemail message explaining Defendants’ objection to the Response. By return voicemail, Plaintiffs’ counsel explained that he would address the matter upon his return from an out-of-town trip but has not done so to date.

6. Defendants therefore request that the Court strike Plaintiffs’ Response and reset the briefing schedule on Defendants’ Motion to afford Plaintiffs sufficient time to file a corrected response and for Defendants to file their reply.

**WHEREFORE**, for the foregoing reasons, Defendants respectfully request that the Court strike Plaintiffs’ Response and reset the briefing schedule on Defendants’ Motion to afford Plaintiffs sufficient time to file a corrected response and for Defendants to file their reply, and grant Defendants such further relief as this Court deems just and appropriate.

Date: January 10, 2012

Respectfully submitted,

STEPHEN R. PATTON,  
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